

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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AGNES SIMON,

Plaintiff[s],

MEMORANDUM & ORDER

23-CV-8508 (EK) (JRC)

-against-

NEW YORK CITY DEPARTMENT OF
EDUCATION and KIMLYN GREIG,
Principal of I.S. 59,

Defendant[s].

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ERIC KOMITEE, United States District Judge:

Plaintiff Agnes Simon, appearing *pro se*, filed this employment discrimination action on November 14, 2023. ECF No. 1. Plaintiff did not pay the filing fee to commence this action, instead submitting an application to proceed *in forma pauperis* ("IFP"). ECF No. 2. However, the application does not support a showing of indigency that would entitle Plaintiff to proceed without the prepayment of fees.

Under 28 U.S.C. § 1914, the filing fee to commence a civil action is \$350, with an additional administrative fee of \$52, for a total fee of \$402. Under 28 U.S.C. § 1915, the Court may waive the filing fee upon finding a plaintiff indigent. In the request to proceed IFP, Simon indicates that she is currently employed and has \$16,000 in cash or in a checking or savings account. See Mot. For IFP, ECF No. 2. Simon also

indicates that she has monthly expenses totaling \$2686. *Id.* at 2. Based on this information, the Court finds that Simon's financial declarations do not support a showing of indigency and thus the application to proceed IFP is DENIED.

Should Simon wish to proceed with this action, she may pay the filing fee of \$402 to the Clerk of Court of the Eastern District of New York within 14 days of the date of this Order.

Upon payment of the filing fee, the Clerk of Court shall issue a summons and Simon must have the summons and complaint served on the Defendants pursuant to Rule 4 of the Federal Rules of Civil Procedure.

Alternatively, if Simon believes that she is entitled to proceed without paying the filing fee, she may submit the Long Form IFP application within 14 days of the date of this Order.

If Simons fails to submit the filing fee within the time allowed, or fails to present credible evidence of indigency, the action shall be dismissed without prejudice.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore IFP status is denied for the purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is respectfully directed to send a copy of this Order to the Plaintiff, along with a Long Form IFP application, and to note the mailing on the docket.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: December, 11, Year
Brooklyn, New York